

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**FISCAL NOTE**

**SB 1339 - HB 1793**

March 29, 2011

**SUMMARY OF BILL:** Requires a victim of domestic violence, who petitions for an order of protection, and the respondent to separately attend a one-hour counseling session on domestic violence. Prohibits costs of counseling to be assessed against the victim. Requires costs of counseling to be assessed against the respondent if an order of protection is issued or if a temporary order of protection is issued and the court finds at a subsequent hearing that the temporary order was justified.

**ESTIMATED FISCAL IMPACT:**

**Increase State Revenue – \$3,219,800**

**Increase State Expenditures – \$6,850,700**

**Assumptions:**

- According to the Administrative Office of the Courts, there were 8,414 state court filings for orders of protection and 8,072 dispositions in FY09-10. State courts represent 10 percent of total cases. Total filings, including general session courts, are estimated to average 84,140 per year and dispositions are estimated to average 80,720 per year. There were approximately 2,521 (or 31 percent) dispositions by dismissal. It is assumed that most of those petitioners would dismiss their petition prior to the hearing as they would be required to attend mandatory counseling otherwise.
- As a result, it is estimated that the total number of hearings will be 55,697 (80,720 x 69%). The total number of people required to attend counseling will be 111,394 (55,697 x 2).
- The Department of Mental Health (DMH) will be responsible for arranging counseling sessions through contracts with various Community Mental Health Agencies (CMHAs).
- The courts will not be responsible for collecting payments from the defendants and reimbursing the actual providers for counseling sessions.
- Since the number of counseling sessions is limited to one one-hour session, DMH and CMHAs can determine the ability to pay, insurance eligibility and bill the appropriate party within existing resources.
- According to DMH, the cost of counseling per one-hour session is \$61.50. Total treatment costs will be \$6,850,731 (111,394 x \$61.50).

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- Based on the Fiscal Review Staff Report on Uncollected Criminal Case Fines, Costs, and Litigation Taxes (September, 2008), it is estimated that 53 percent of costs will be assessed against petitioners or offenders who are indigent. The remaining 47 percent will be recovered. As a result, the state will collect approximately \$3,219,844 (\$6,850,731 x 47%).

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

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